

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for _____ a Class B Office Building in an R.O. zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Martin P. Azola, Inc.
 (Type or Print Name)
 Signature: [Signature]
 2201 Old Court Road
 Address
 Brooklandville, Maryland 21022
 City and State
 Attorney for Petitioner:
Gail M. Stern, Esquire
 (Type or Print Name)
 Address: Frank, Bernstein, Conaway & Goldman
 Signature
 300 East Lombard Street
 Address
 Baltimore, Maryland 21202
 City and State
 Attorney's Telephone No.: 625-3647
 Legal Owner(s): Robert W. Johnson, III
 (Type or Print Name)
 Signature: [Signature]
 10124 Falls Road
 Address
 Brooklandville, Maryland 21022
 City and State
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Daft-McCune-Walker, Inc.
 530 East Joppa Road 296-3333
 Towson, Maryland 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of November, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that proper be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of January, 1985, at 10:45 o'clock A.M.

[Signature]
 Zoning Commissioner of Baltimore County.

S.C.O.-No. 1 (over)



County Board of Appeals of Baltimore County
 Room 200 Court House (Hearing Room #218)
 Towson, Maryland 21204
 (301) 494-3180
 March 1, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-185-X ROBERT W. JOHNSON, III
 NW/4 Old Court Rd., 438' SW of the c/l of Falls Rd.
 3rd District
 SE-Class B office building in an R.O. zone
 1/9/85 - Z.C.'s Order - GRANTED w/restrictions
 TUESDAY, APRIL 30, 1985, at 10 a.m.

ASSIGNED FOR:
 cc: Robert W. Johnson, III Petitioner
 Martin Azola, Inc. Contract Purchaser
 Gail M. Stern, Esq. Atty. for Contract Purchaser
 Daft-McCune-Walker, Inc. Representative for Petitioner
 Phyllis C. Friedman People's Counsel
 N. E. Gerber
 J. Hoswell
 Arnold Jablon
 J. Jung
 J. E. Dyer

June Holmen, Secretary

Case No. 85-185-X
 Item No. 122
 Date: 1/29/85
 NW/4 of Old Court Rd., 438' SW of the c/l of Falls Rd. - 3rd Election District
 Robert W. Johnson, III - Petitioner

- ☒ 1. Copy of Petition
- ☒ 2. Copy of Description of Property
- ☒ 3. Copy of Certificate of Posting (1 sign)
- ☒ 4. Copy of Certificates of Publication
- ☒ 5. Copy of Zoning Advisory Committee Comments
- ☒ 6. Copy of Comments from the Director of Planning
- ☒ 7. Planning Board Comments and Accompanying Map
- ☒ 8. Copy of Order to Enter Appearance
- ☒ 9. Copy of Order - Zoning/Deputy Zoning Commissioner
- ☒ 10. Copy of Plat of Property
- ☒ 11. 200' Scale Location Plan
- ☒ 12. 1000' Scale Location Plan
- ☒ 13. Memorandum in Support of Petition
- ☒ 14. Letter(s) from Protestant(s)
- ☒ 15. Letter(s) from Petitioner(s)
- ☒ 16. Protestants' Exhibits to
- ☒ 17. Petitioners' Exhibits to
- ☒ 18. Letter of Appeal

Robert W. Johnson, III Petitioner
 c/o Robert H. Johnson
 10124 Falls Road
 Brooklandville, Md. 21022
 Martin I. Azola, Inc. Contract Purchaser
 2201 Old Court Road
 Brooklandville, Md. 21022
 Gail M. Stern, Esquire Attorney for Contract Purchaser
 300 East Lombard Street
 Baltimore, Maryland 21202
 Daft-McCune-Walker, Inc. Representative for Petitioner
 c/o Messrs. Gavelis & Haile
 530 East Joppa Road
 Towson, Maryland 21204
 Phyllis C. Friedman, Esquire People's Counsel
 Norman E. Gerber Request Notification
 James Hoswell
 Arnold Jablon
 Jean M. H. Jung
 James E. Dyer

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
 NW/4 of Old Court Rd., 438' SW of the Centerline of Falls Rd., 3rd District : OF BALTIMORE COUNTY
 ROBERT W. JOHNSON, III, Case No. 85-185-X
 Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Phyllis Cole Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 Rm. 223, Court House
 Towson, MD 21204
 494-2188

I HEREBY CERTIFY that on this 19th day of December, 1984, a copy of the foregoing Entry of Appearance was mailed to Gail M. Stern, Esquire, Frank, Bernstein, Conaway & Goldman, 300 E. Lombard Street, Baltimore, MD 21202, Attorney for Petitioner; and Martin P. Azola, Inc., 2201 Old Court Rd., Brooklandville, MD 21022, Contract Purchaser.

Peter Max Zimmerman
 Peter Max Zimmerman



County Board of Appeals of Baltimore County
 Room 200 Court House
 Towson, Maryland 21204
 (301) 494-3180
 September 10, 1985

Phyllis Cole Friedman
 People's Counsel for Baltimore County
 Room 223 Courthouse
 Towson, MD 21204

Re: Case No. 85-185-X
 Robert W. Johnson, III

Dear Mrs. Friedman:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
 Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: Robert W. Johnson, III
 Martin P. Azola, Inc.
 Gail M. Stern
 Daft-McCune-Walker, Inc.
 Norman E. Gerber
 James G. Hoswell
 Arnold Jablon
 Jean M. H. Jung
 James E. Dyer

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
 NW/4 Old Court Rd., 438' SW of Centerline of Falls Rd., 3rd District : OF BALTIMORE COUNTY
 ROBERT W. JOHNSON, III, Case No. 85-185-X
 Petitioner

ORDER

Upon review of statements by counsel and the submission of a revised site plan, Brooklandville Post Office, plat to accompany special exception, dated April 23, 1985, and identified as Petitioner's Exhibit 1, it is, this 10th day of September, 1985, by the County Board of Appeals of Baltimore County, ORDERED,

That the petition for special exception for a Class B office building in an R-O zone be and the same is hereby GRANTED, subject to the following restrictions:

1. The special exception shall comply with the revised site plan dated April 23, 1985, designated as Petitioner's Exhibit 1.
2. A covered entranceway and stairway not exceeding 35 square feet in horizontal area, as described in the attached plan designated as Petitioner's Exhibit 2, is permitted, subject to final approval of the Departments of Permits and Licenses and Public Works and the Office of Planning and Zoning.
3. Any amendment to the approved plans shall be subject to further approval of the Baltimore County Zoning Commissioner. The Baltimore County Zoning Commissioner shall determine, in his reasonable discretion, whether a public hearing, following advertisement, shall be required for any amendment to the approved plans. Petitioner shall provide prior written notice

to the People's Counsel for Baltimore County of each amendment that is submitted to the Baltimore County Zoning Commissioner for approval, and the People's Counsel reserves the right to request a hearing and/or take any other appropriate legal action before the Zoning Commissioner, the County Board of Appeals, and/or the courts.

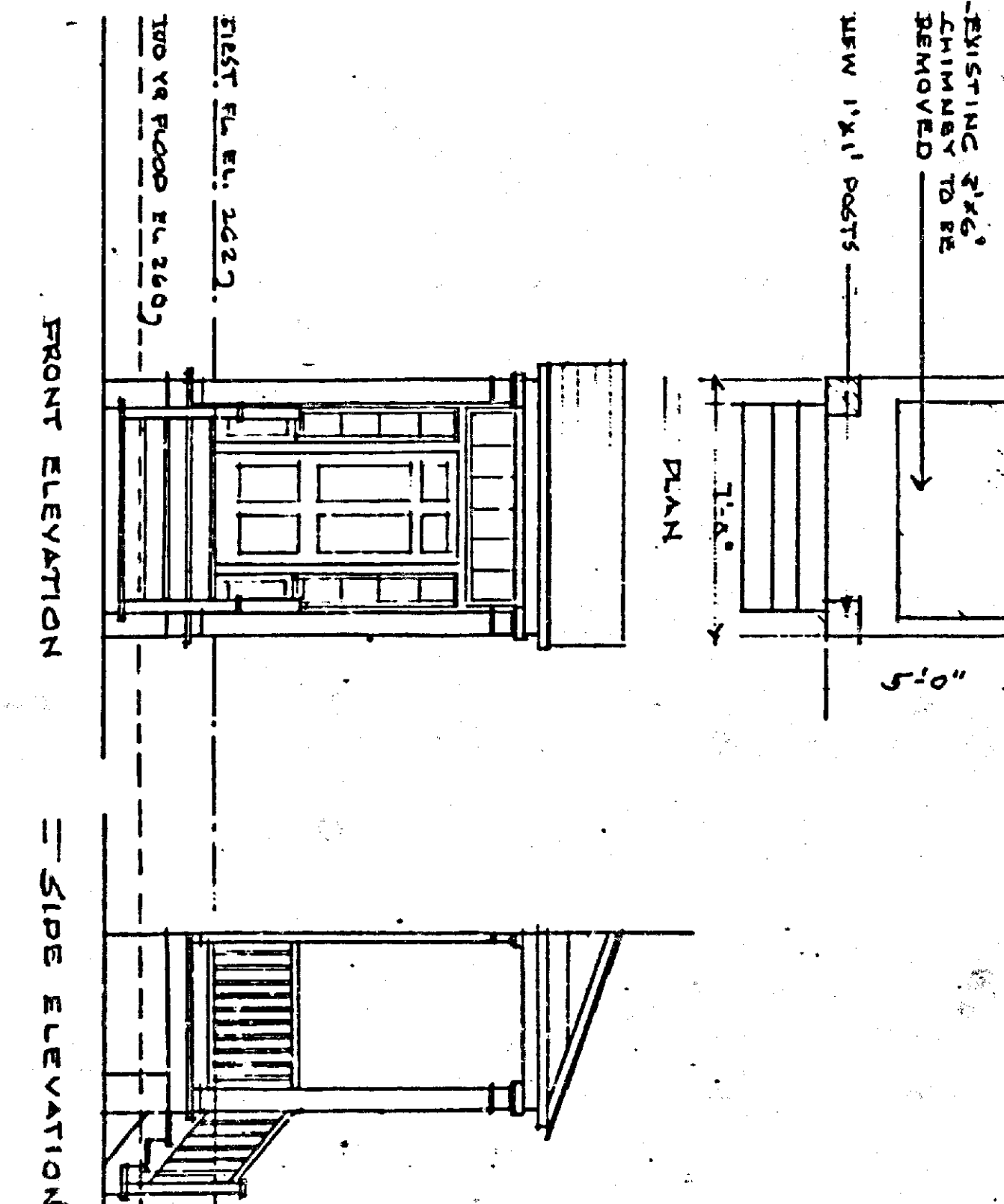
Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
 OF BALTIMORE COUNTY

William T. Hackett
 William T. Hackett, Chairman

William R. Evans
 William R. Evans

Patricia Phipps
 Patricia Phipps



PETITIONER'S EXHIBIT 2

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
TELEPHONE (301) 855-3800
CABLE FRANKOR
TELEX 87938
NITE 812
AMERICAN CITY BUILDING
COLUMBIA, MARYLAND 21044
WRITER'S DIRECT NUMBER IS
(301) 625-3647

August 12, 1985

By Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Room 223 - Court House
Towson, Maryland 21204

Re: Robert W. Johnson, III, Petitioner
Zoning Case No. 85-185-X

Dear Phyllis & Pete:

Please find enclosed herein a copy of the proposed Order prepared by your office in the above-captioned case. I have revised Paragraph 3 of the Order in accordance with my recent discussion with Pete. If the revised Order is satisfactory to both of you, I would appreciate it if you would submit it to the Board of Appeals for execution. Of course, please do not hesitate to contact me if you have any questions or comments on the enclosed.

I am very pleased that we were able to resolve this matter amicably without having to resort to a further hearing before the Board of Appeals.

Many thanks for your assistance and cooperation in this matter.

Very truly yours,

Gail M. Stern

Enclosure
cc: Mr. Arnold Jablon
Mr. Edmund P. Ballo
Mr. Martin P. Asola

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
NW/5 Old Court Rd., 438' SW of
Centerline of Falls Rd.,
3rd District : OF BALTIMORE COUNTY
ROBERT W. JOHNSON, III,
Petitioner : Case No. 85-185-X

ORDER

Upon review of statements by counsel and the submission of a revised site plan, Brooklandville Post Office, plat to accompany special exception, dated April 23, 1985, and identified as Petitioner's Exhibit 1, it is, this ____ day of _____, 1985, by the County Board of Appeals of Baltimore County, ORDERED,

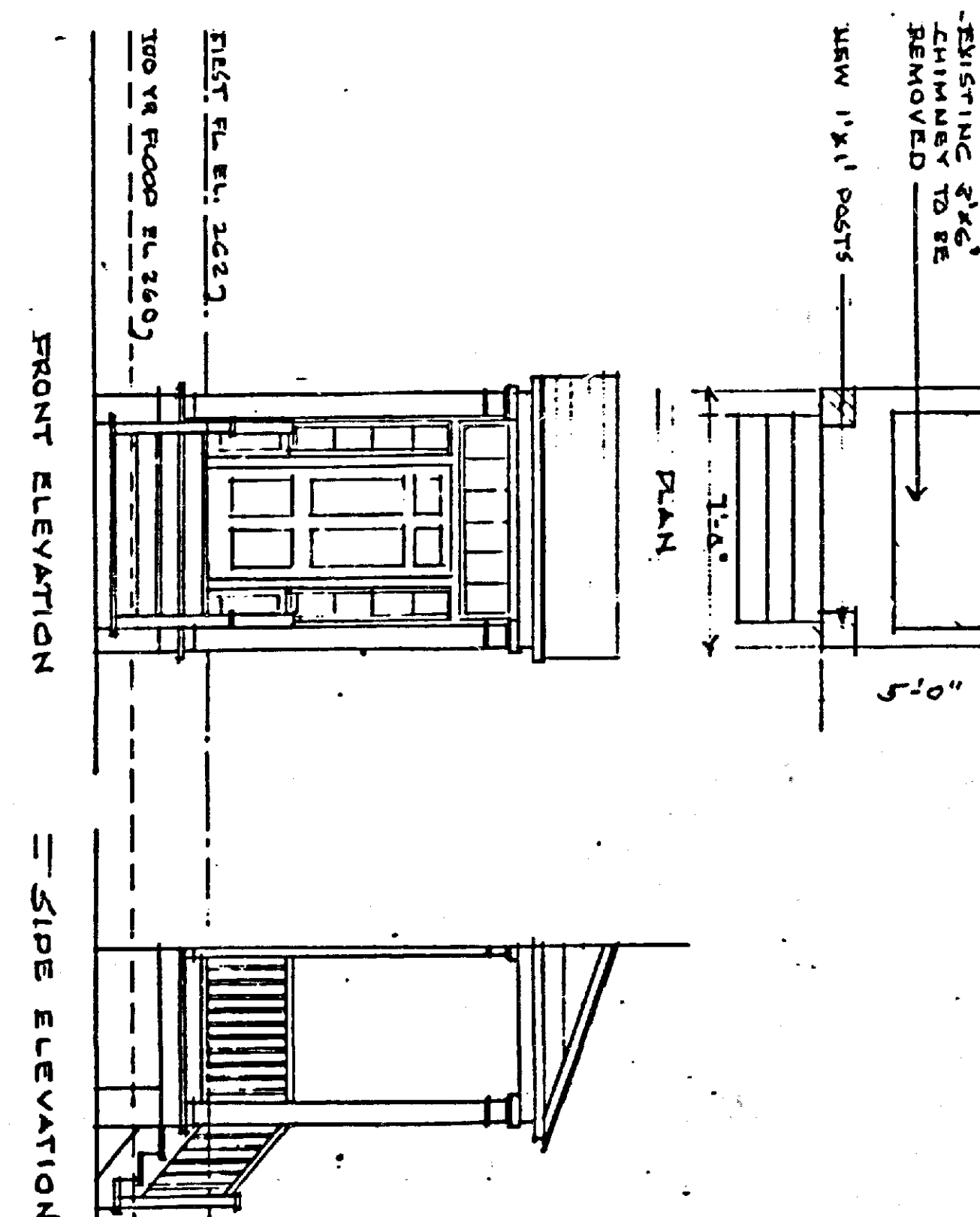
That the petition for special exception for a Class B office building in an R-O zone be and the same is hereby GRANTED, subject to the following restrictions:

1. The special exception shall comply with the revised site plan dated April 23, 1985, designated as Petitioner's Exhibit 1.
2. A covered entranceway and stairway not exceeding 35 square feet in horizontal area, as described in the attached plan designated as Petitioner's Exhibit 2, is permitted, subject to final approval of the Departments of Permits and Licenses and Public Works and the Office of Planning and Zoning.
3. Any amendment to the approved plans shall be subject to further approval of the Baltimore County Zoning Commissioner. The Baltimore County Zoning Commissioner shall determine, in his sole and absolute discretion, whether a public hearing, following advertisement, shall be required for any amendment to the approved plans. Petitioner shall provide

prior written notice to the People's Counsel for Baltimore County of each amendment that is submitted to the Baltimore County Zoning Commissioner for approval.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



- 2 -

DAFT-MCQUE-WALKER, INC.

200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

May 29, 1985

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Court House
Towson, MD 21204

Re: Brooklandville Post Office
Job Order No. 84105
Zoning Case No. 85-185-X

Dear Phyllis:

I am enclosing a plan showing the proposed entranceway to the Brooklandville Post Office as requested in your letter to Gail Stern dated May 15, 1985.

This porch occupies less area within the flood plain than the existing chimney which is to be removed. In my professional opinion, it will have no effect whatsoever on the elevation of the hundred year flood. In addition, there was some concern relative to the collection of floating material around the extension. Since it is on the downstream side of the existing building, I do not feel that this is a threat.

Very truly yours,

DAFT-MCQUE-WALKER, INC.

Edmund P. Ballo
Partner

Enclosure
cc: Mr. Martin P. Asola
Gail M. Stern, Esquire



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

August 20, 1985

Gail M. Stern, Esquire
Frank, Bernstein, Conaway & Goldman
300 East Lombard Street
Baltimore, Maryland 21202

RE: Robert W. Johnson, III, Petitioner
Zoning Case No. 85-185-X

Dear Ms. Stern:

We have received your letter dated August 12, 1985 and proposed Order.

Based on your previous conversation dated August 2nd and our subsequent conversation, it was our understanding that the Zoning Commissioner would have discretion to decide on the necessity of a hearing, but that this office would have the right to prior written notice and the opportunity to request a hearing. In other words, the discretion to be exercised by the Zoning Commissioner must be exercised reasonably and would not be "sole and absolute discretion" as provided (for the first time) in the language of Paragraph 3 of your proposed Order.

So that there is no misunderstanding, in the event of an abusive discretion, this office would reserve the right to take any appropriate legal action.

Accordingly, we have redrafted Paragraph 3 and submit it to you for your review. We believe it is consistent with the understanding reached following your letter dated August 2nd.

Very truly yours,

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel

Enclosure

PMZ:h

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
NW/5 Old Court Rd., 438' SW of
Centerline of Falls Rd.,
3rd District : OF BALTIMORE COUNTY
ROBERT W. JOHNSON, III,
Petitioner : Case No. 85-185-X

ORDER

Upon review of statements by counsel and the submission of a revised site plan, Brooklandville Post Office, plat to accompany special exception, dated April 23, 1985, and identified as Petitioner's Exhibit 1, it is, this ____ day of _____, 1985, by the County Board of Appeals of Baltimore County, ORDERED,

That the petition for special exception for a Class B office building in an R-O zone be and the same is hereby GRANTED, subject to the following restrictions:

1. The special exception shall comply with the revised site plan dated April 23, 1985, designated as Petitioner's Exhibit 1.
2. A covered entranceway and stairway not exceeding 35 square feet in horizontal area, as described in the attached plan designated as Petitioner's Exhibit 2, is permitted, subject to final approval of the Departments of Permits and Licenses and Public Works and the Office of Planning and Zoning.
3. Any amendment to the approved plans shall be subject to further approval of the Baltimore County Zoning Commissioner. The Baltimore County Zoning Commissioner shall determine, in his reasonable discretion, whether a public hearing, following advertisement, shall be required for any amendment to the approved plans. Petitioner shall provide prior written notice

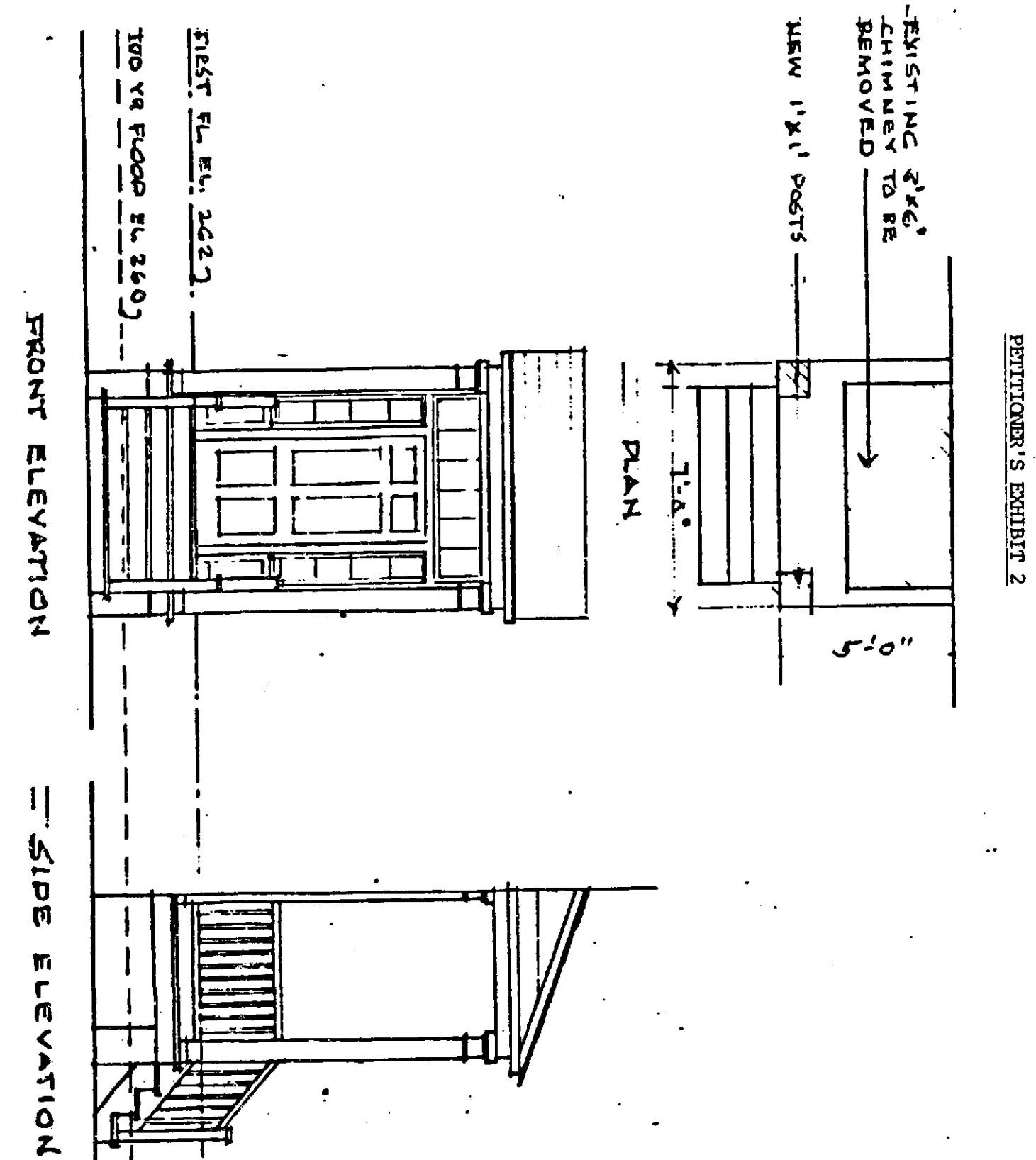
- 2 -

to the People's Counsel for Baltimore County of each amendment that is submitted to the Baltimore County Zoning Commissioner for approval, and the People's Counsel reserves the right to request a hearing and/or take any other appropriate legal action before the Zoning Commissioner, the County Board of Appeals, and/or the courts.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

JAN 29 1986



FRANK, BERNSTEIN, CONAWAY & GOLDMAN
 LAW OFFICES
 300 EAST LOMBARD STREET
 BALTIMORE, MARYLAND 21204
 TELEPHONE (301) 858-3500
 CABLE FRASCO
 TELEX 87828

PHYLIS COLE FRIEDMAN
 People's Counsel
 August 20, 1985

PETER MAX ZIMMERMAN
 Deputy People's Counsel

August 23, 1985

Phyllis Cole Friedman, Esquire
 People's Counsel for
 Baltimore County
 Room 223 - Court House
 Towson, Maryland 21204

Peter Max Zimmerman, Esquire
 Deputy People's Counsel for
 Baltimore County
 Room 223 - Court House
 Towson, Maryland 21204

Re: Robert W. Johnson, III, Petitioner
 Zoning Case No. 85-185-X

Dear Phyllis & Pete:

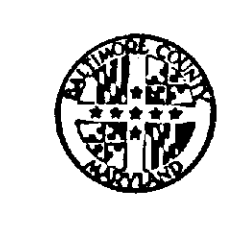
By George, I think we have done it.

I am in receipt of your letter dated August 20, 1985 regarding the above-captioned matter. I have reviewed the proposed Order that you enclosed with such letter and, believe it or not, find it to be acceptable in all respects. Please submit the Order to the County Board of Appeals.

I am sure that you are both as pleased as I am that we were able to resolve this matter without the need for further hearings. Many thanks to both of you for your persistence and cooperation.

Sincerely,
 Gail M. Stern

GMS/ldd
 cc: Mr. Arnold Jablon
 Mr. Edmund F. Haile
 Mr. Martin P. Azola



Baltimore County, Maryland
 PEOPLE'S COUNSEL
 RM. 223, COURT HOUSE
 TOWSON, MARYLAND 21204
 494-2189

August 20, 1985

RE: Robert W. Johnson, III, Petitioner
 Zoning Case No. 85-185-X

Dear Chairman Hackett:

Pursuant to the Board's direction, enclosed please find a proposed Order which is acceptable to all parties.

Sincerely,
 Phyllis Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County

Enclosure

cc: Gail M. Stern, Esquire
 PCF:sh

December 7, 1984

Gail M. Stern, Esquire
 Frank, Bernstein, Conaway and Goldman
 300 East Lombard Street
 Baltimore, Maryland 21204

NOTICE OF HEARING
 RE: Petition for Special Exception
 NW/4 of Old Court Rd., 438' SW of
 the c/l of Falls Road
 Robert W. Johnson, III - Petitioner
 Case No. 85-185-X

TIME: 10:45 a.m.
 DATE: Monday, January 7, 1985
 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
 Zoning Commissioner
 of Baltimore County

cc: Martin P. Azola, Inc.
 2201 Old Court Road
 Brooklandville, MD 21202
 Daft-McCune-Walker, Inc.
 530 East Joppa Road
 Towson, MD 21204

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3rd Date of Posting: 12-13-84

Posted for: Special Exception

Petitioner: Robert W. Johnson, III

Location of property: NW/4 of Old Court Road, 438' SW of the c/l of Falls Road

Location of Sign: NW/4 of Old Court Road, in front of subject property

Remarks:

Posted by: [Signature] Date of return: 12-21-84

Number of Signs: 1

BALTIMORE COUNTY
 OFFICE OF PLANNING & ZONING
 TOWSON, MARYLAND 21204
 494-3353

ARNOLD JABLON
 ZONING COMMISSIONER

December 27, 1985

Gail M. Stern, Esquire
 Frank, Bernstein, Conaway and Goldman
 300 East Lombard Street
 Baltimore, MD 21204

RE: Petition for Special Exception
 NW/4 of Old Court Rd., 438' SW of
 the c/l of Falls Road
 Robert W. Johnson - Petitioner
 Case No. 85-185-X

Dear Ms. Stern:

This is to advise you that \$43.00 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,
 Arnold Jablon
 Zoning Commissioner

AJ:aj
 cc: Mr. Martin P. Azola
 2201 Old Court Road
 Brooklandville, MD 21202
 Daft-McCune-Walker
 530 East Joppa Road
 Towson, MD 21204

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3rd Date of Posting: 2-19-85

Posted for: Appeal

Petitioner: Robert W. Johnson, III

Location of property: NW/4 of Old Court Road, 438' SW of the c/l of Falls Road

Location of Sign: NW/4 of Old Court Road, in front of subject property

Remarks:

Posted by: [Signature] Date of return: 2-25-85

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD, December 20, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 20, 1984.

THE JEFFERSONIAN,
[Signature]
 Publisher

Cost of Advertising 18.00

CERTIFICATE OF PUBLICATION
 60968 85-185-X

Fikesville, Md., Dec. 19, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Fikesville, Baltimore County, Maryland before the 7th day of January 1984

the first publication appearing on the 19th day of Dec. 1984

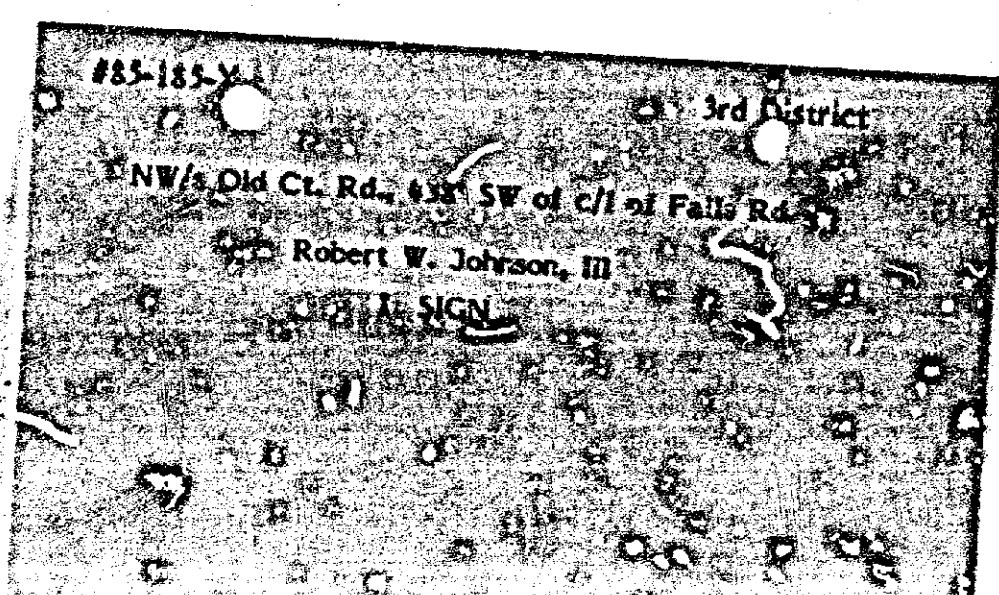
the second publication appearing on the day of 19

the third publication appearing on the day of 19

THE NORTHWEST STAR

[Signature]
 Manager

Cost of Advertisement \$20.00



BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 134389

DATE: 11/1/84 ACCOUNT: R01-115-000

AMOUNT: 100.00

PAID TO: [Signature]

PAID FOR: [Signature]

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 003172

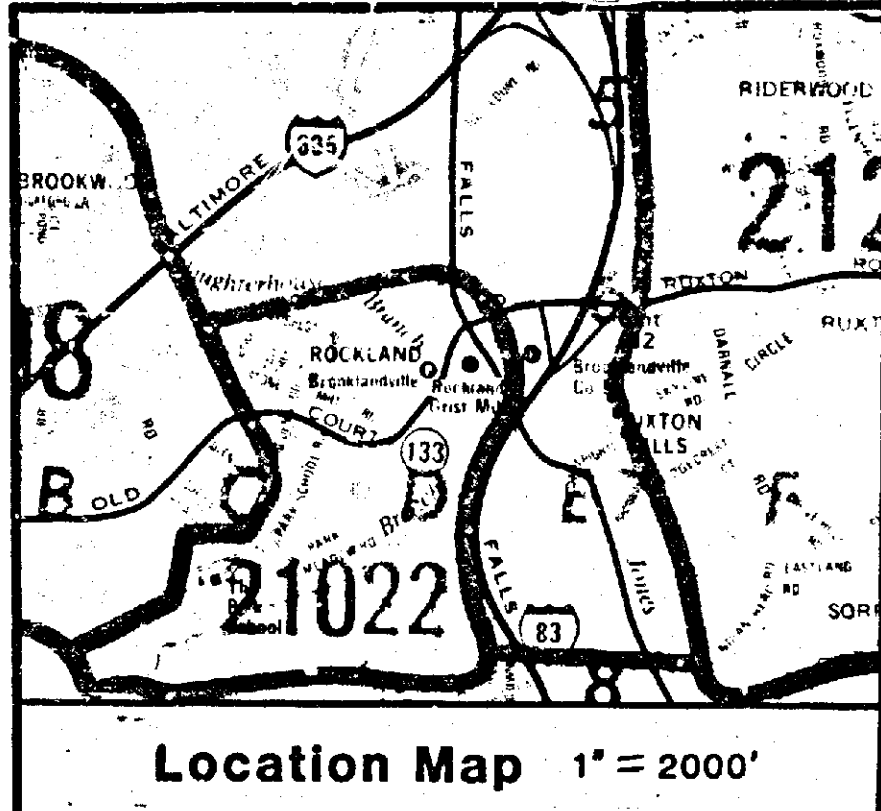
DATE: 12-13-84 ACCOUNT: 85-185-X

AMOUNT: 43.00

PAID TO: [Signature]

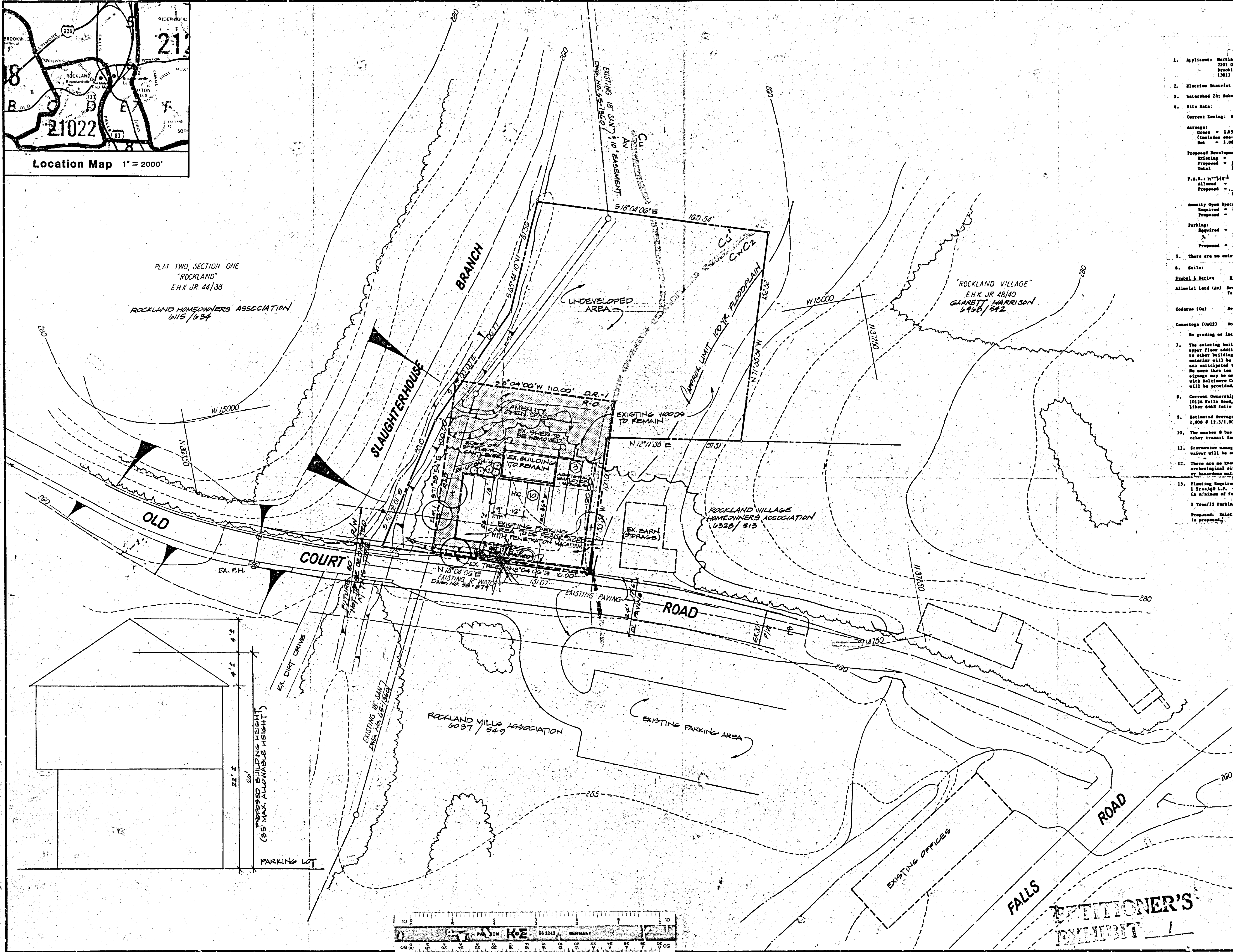
PAID FOR: [Signature]

VALIDATION OR SIGNATURE OF CARRIER



PLAT TWO, SECTION ONE
"ROCKLAND"
E.H.K. JR. 44/38

ROCKLAND HOMEOWNERS ASSOCIATION
0115/634



- General Notes
1. Applicant: Martin P. Asala, Inc.
2201 Old Court Road
Brooklandville, Maryland 21022
(301) 337-0700
 2. Election District 3; Councilmanic District 2; Census Tract 4034.03.
 3. Watershed 21; Subwatershed 59.
 4. Site Data:
Current Zoning: R-8 (0.3 Acres +/-), D.R.-1 (4.7 Acres +/-)
Acres:
Gross = 1.05 Acres +/-
(Includes one-half of Old Court Road right-of-way)
Net = 1.00 Acres +/-
Proposed Developments: General Office (Class B Building)
Existing = 800 S.F. (1st floor)
Proposed = 1,000 S.F. (2nd floor, Includes Cantilever)
Total = 1,800 S.F.
F.A.R. with P.O. ONLY
Allowed = 0.5
Proposed = 1.800 / 0.5 = 3.600
Amenity Open Space: WITHIN R.O. ONLY
Required = 13,000 S.F. = 0.30 Acres
Proposed = 3,400 S.F. +/-
Parking:
Required = 800 S.F. @ 1/300 = 2.6
1,000 S.F. @ 1/500 = 2.0
4.5 = 5 Spaces
Proposed = 13 Spaces (Includes one space for the handicapped.)
 5. There are no existing or proposed wells or sewage systems.
 6. Soils:

Symbol & Series	With Basements	Without Basements	Severest & Parking
Alluvial Land (Av)	Severest High Water Table, Flooding Hazard	Severest High Water Table, Flooding Hazard	Severest High Water Table, Flooding Hazard
Codorus (Co)	Severest Flooding Hazard	Severest Flooding Hazard	Severest Flooding Hazard
Conestoga (CoC2)	Moderate Slope	Moderate Slope	Severest Slope

No grading or increase in impervious area is proposed.
 7. The existing building is not historic! It will be renovated and the upper floor addition will be constructed to be similar in character to other buildings in the restored Rockland Village area. The exterior will be frame or stone. The principle hours of operation are anticipated to be 8:00 a.m. to 5:00 p.m., Monday through Friday. No more than ten employees are anticipated. It is anticipated that signage may be on the face of the building. All signage will comply with Baltimore County Zoning requirements. Accent site lighting will be provided.
 8. Current Ownership: Robert W. Johnson, III, c/o Robert H. Johnson, 10124 Falls Road, Brooklandville, Maryland 21022; Deed Reference, Liber 648 Folio 34; Property Number 11-00-00494.
 9. Estimated Average Daily Trips (A.D.T.'s):
1,000 @ 12:30/1,000 S.F. = 23.14 A.D.T.'s
 10. The number 8 bus stops at Falls and Burton Roads. There are no other transit facilities in the vicinity.
 11. Stormwater management is not required for this development and a waiver will be sought.
 12. There are no known archaeological sites, significant geological formations, or hazardous materials on the site.
 13. Planting Requirements:
1 Tree/40 L.F. = 151 @ 40' = 4
(A minimum of four shall be major deciduous trees.)
1 Tree/12 Parking Spaces = 13 @ 12' = 1.08 (Major deciduous) = 2
Proposed: Existing vegetation will be retained and new vegetation is proposed.

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
530 EAST JOPPA ROAD
TOWSON, MD 21204
TELEPHONE 301-296-3333

**BROOKLANDVILLE
POST OFFICE**
Plat to Accompany Request
for Special Exception

Steph H. Fisher

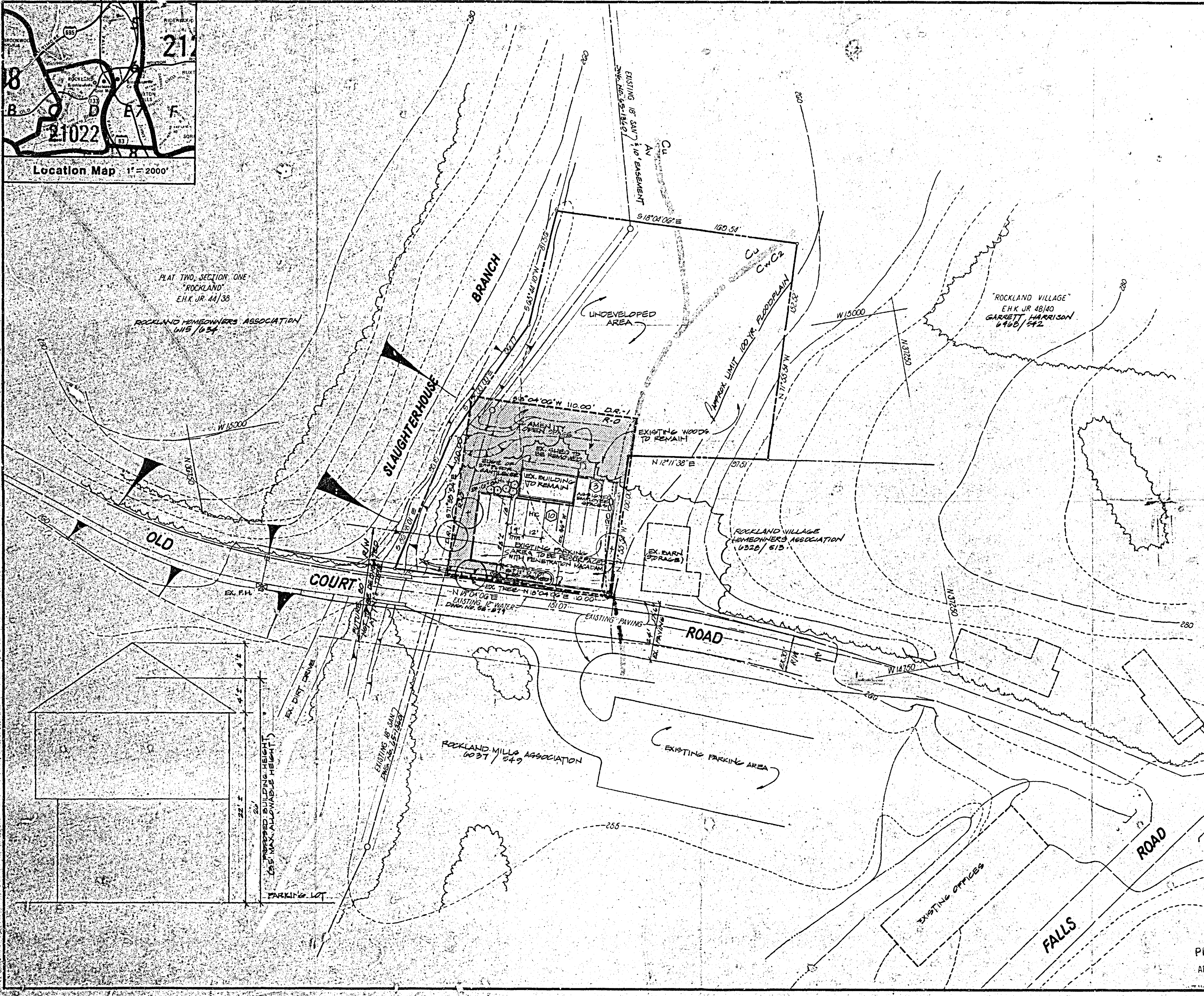
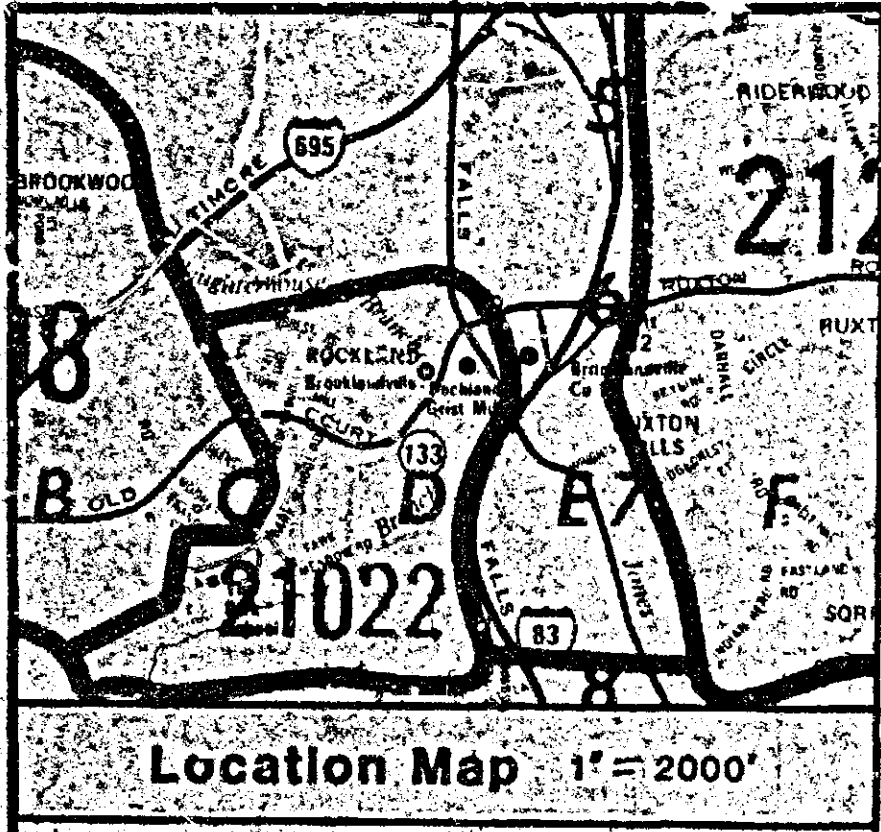
DATE	REVISIONS
8-30-84	PRELIMINARY COMMENTS
9-12-84	PRELIMINARY COMMENTS
9-20-84	PRELIMINARY COMMENTS

SCALE: 1" = 30'

JOB ORDER NO.
84105

ISSUE DATE
AUGUST 28, 1984

EXHIBIT 1



- General Notes
1. Applicant: Martin P. Asolo, Inc.
2201 Old Court Road
Brooklandville, Maryland 21022
(301) 337-0700
 2. Election District 1; Councilmanic District 1; Census Tract 4036A3.
 3. Watershed 24; Subwatershed 35.
 4. Site Data:
Current Zoning: R-8 (0.3 Acres +/-), R.R.-1 (0.7 Acres +/-)
Acres: Gross = 1.05 Acres +/-
(Includes one-half of Old Court Road right-of-way.)
Net = 0.90 Acres +/-
Proposed Development: General Office (Class B Building)
Existing = 000 S.F. (1st Floor)
Proposed = 1,000 S.F. (2nd Floor, Includes Cantilever)
Total = 1,000 S.F.
F.A.R. (FLOOR AREA RATIO)
Allowed = 0.5
Proposed = 1.000
(100%)
Minimum Open Space: WITHIN R.O. ONLY
Required = 15.0% of 0.90 = 0.135 A.
Proposed = 0.30 S.F. +/-
Parking:
Required = 200 S.F. @ 1/300 = 2.4
1,000 S.F. @ 1/500 = 2.0
4.5 = 5 Spaces
Proposed = 15 Spaces (Includes one space for the handicapped.)
 5. There are no existing or proposed wells or septic systems.
 6. Soils:
Limitations:
With Seepage: With Seepage: Without Seepage: Seepage: Seepage:
Alluvial Land (A): Severe High Water Table, Flooding Hazard: Severe High Water Table, Flooding Hazard: Severe High Water Table, Flooding Hazard: Severe High Water Table, Flooding Hazard:
Cobbles (C): Severe Flooding Hazard: Severe Flooding Hazard: Severe Flooding Hazard: Severe Flooding Hazard:
Concretes (Cn): Moderate Slope: Moderate Slope: Severe Slope: Severe Slope:
No grading or increase in impervious area is proposed.
The existing building is not historic. It will be renovated and the upper floor addition will be constructed to be similar in character to other buildings in the restored Rockland Village area. The exterior will be frame or stone. The principal hours of operation are anticipated to be 9:00 a.m. to 5:00 p.m., Monday through Friday. No more than 20 employees are anticipated. It is anticipated that visitors may be on the site of the building. All signage will comply with Baltimore County Zoning requirements. Second site signage will be provided.
 7. Current Ownership: Robert H. Johnson, III, c/o Robert H. Johnson, 10124 Falls Road, Brooklandville, Maryland 21022, Road Reference, Liber 444 Folio 542; Property Number 14-00-00000.
 8. Estimated Average Daily Trips (A.D.T.):
1,000 @ 12.0/1,000 A.D.T. = 12.0 A.D.T.
10. The number 8 bus stop is at Falls and Barton Roads. There are no other transit facilities in the vicinity.
 11. Stormwater management is not required for this development and a water will be sought.
 12. There are no known or suspected significant geological formations, archaeological sites or historic or endangered species habitats or hazardous materials on the site.
 13. Planting Requirements:
1 Tree/40 S.F. = 151 + 40 = 4
(A minimum of four shall be major deciduous trees.)
1 Tree/12 Parking Spaces = 15 + 12 = 1.00 (No major deciduous trees) = 2
Proposed: Planting vegetation will be retained and new vegetation is proposed.
 14. THE PROPOSED BUILDING WILL COMPLY WITH 44 C.F.R. PART 60 SUBPART A SECTION 60.5C(1)(3).

EXHIBIT A

DAFF, McCURE, WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
630 EAST JOPPA ROAD
JOPPA, MD 21084
TELEPHONE: 301-796-3333

BROOKLANDVILLE POST OFFICE
Plat to Accompany Request for Special Exception

Shayla Linder

DATE	REVISIONS
3-20-84	Preliminary Comments
7-12-84	Per CDE Comments
9-25-84	CDE-Per T.A.R.U.A.C.
4-25-85	Notes H

SCALE: 1" = 30'

JOB ORDER NO: 04105

ISSUE DATE: AUGUST 28, 1984

PRINTED: APR 26 1985

DAFF, McCURE, WALKER, INC.

IN RE: PETITION FOR SPECIAL
EXEMPTION
NW/4 of Old Court Road, 438'
SW of the centerline of
Falls Rd. - 3rd Election Dis.
Robert W. Johnson, III,
Petitioner
* * * * *
BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY
Case No. 85-185-X

Entry of Appearance

Please enter our appearance on behalf of the Zoning Commissioner of Baltimore County as a party in the above captioned matter, pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all notices be forwarded to our office, including but not limited to hearing dates and/or preliminary or final Orders.

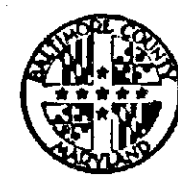
Malcolm F. Spicer, Jr. / s/
Malcolm F. Spicer, Jr.
Baltimore County Attorney
Old Court House
Towson, Maryland 21204
494-4420

Douglas T. Sachse / s/
Douglas T. Sachse
Assistant County Attorney

Certificate of Mailing

IT IS HEREBY CERTIFIED that on this 12th day of February, 1985, copies of the foregoing Entry of Appearance were mailed, postage prepaid, by first class delivery to People's Counsel for Baltimore County, Petitioner(s), and or Protestant(s) in the above captioned matter.

Douglas T. Sachse / s/
Douglas T. Sachse
Assistant County Attorney



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

March 29, 1985

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

Dear Chairman Hackett:

It has come to our attention that the Zoning Commissioner has entered his appearance in the following cases:

Christian B. Anderson, et ux - 85-170-SPH (Item 116)
Elizabeth R. Baird, et al - 85-45-XSPH (Item 346)
Vincent Bertuca, et ux - 85-183-A (Item 132)
Chesapeake Fed. S & L - 85-187-A (Item 131)
Mary M. Clark - 84-311-A (Item 249)
David L. Cole, et ux - 85-2-XA (Item 290)
Eastern Yacht Club, Inc. - 85-73-SPH (Item 337)
Hedssner Family Ltd. Ptnr. - 85-83-SPHA (Item 127)
Johnson, Robert W., III - 85-185-X (Item 124)
Kubic, Melvin - 85-208-XSPH (Item 154)
McManus-Torillo Assoc., Inc. - 85-189-X (Item 127)
The Rock Rental Co. - 85-186-XA (Item 115)
Joseph H. Rosendale, et ux - 85-157-XA (Item 102)
Louis E. Tarasac, et ux - 85-232-X (Item 146)
Towson Presbyterian Church - 85-176-SPH (Item 93)

As a result of the decision in Carol Dolme, et al - 85-106-SPH (Item 438) it is clear that the Zoning Commissioner has no standing and his appearance should be struck. Please consider this letter as a motion to strike the Zoning Commissioner's Appearance in each of the above cases. We are enclosing a copy of this letter/motion for each file.

Very truly yours,

Peter Max Zimmerman
Deputy People's Counsel

cc: Norman E. Gerber
Arnold Jablon, Esquire
Malcolm F. Spicer, Jr., Esquire
Douglas T. Sachse, Esquire

PMZ:sh

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 31, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

NICHOLAS B. COMMODARI
Chairman

MEMBERS
Bureau of Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Gail Stern, Esquire
300 East Lombard Street
Baltimore, Maryland 21202

RE: Item No. 124 - Case No. 85-185-X
Petitioner - Robert W. Johnson, III
Special Exception Petition

Dear Ms. Stern:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

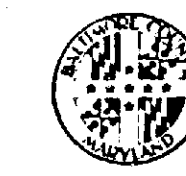
Very truly yours,

Nicholas B. Commodari, Esq.
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Daft-McCune-Walker, Inc.
530 East Joppa Road
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

December 10, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #124 (1984-1985)
Property Owner: Robert W. Johnson, III
N/WS Old Court Rd. 438' S/W from centerline
Falls Rd.
Acres: 0.303
District: 3rd

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

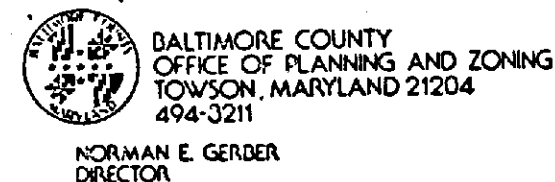
General Comments:

This site is being processed as a County Review Group project known as The Brooklandville Post Office, Project No. 64208. Comments prepared for the County Review Group, dated September 18, 1984, are applicable to this item.

Very truly yours,

James A. Markle, P.E., Chief
Bureau of Public Services

JAM:EAM:REC:es



NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

11/29/84
Re: Zoning Advisory Meeting of 11/13/84
Item #124
Property Owner: Robert W. Johnson, III
Location: NW/4 Old Court Rd.,
SW of Falls Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- (x) A County Review Group Meeting is required.
- (x) A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 11/13/84.
- (x) Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (x) Additional comments:

Plan was approved by CRG on 9/11/84.
Final landscape plan will be required in accordance with the landscape Manual Standards.

Eugene A. Bober
Eugene A. Bober
Chief, Current Planning and Development



Maryland Department of Transportation
State Highway Administration

William K. Hoffmann
Secretary
Hal Kazoff
Administrator

November 16, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 11-13-84
ITEM: #124.
Property Owner: Robert W. Johnson, III
Location: NW/4 Old Court Rd., Route 133, 438' S/W from c/l Falls Road
Existing Zoning: R-O & D.R. 1
Proposed Zoning: Special Exception for Class B Office Building
Acres: 0.303
District: 3rd

Dear Mr. Jablon:

On review of the revised submittal of 9-28-84 for request of Special Exception at the proposed Brooklandville Post Office, the State Highway Administration finds the plan generally acceptable.

Attached for your use and review are CRG comments dated Sept. 10, 1984.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

Attachment

cc: Mr. J. Ogle

By: George Wittman

My toll free number is (301) 659-1350

383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

December 12, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 124 -ZAC- Meeting of November 13, 1984
Property Owner: Robert W. Johnson, III
Location: NW/4 Old Court Road 438' S/W from c/l Falls Road
Existing Zoning: R.O. & D.R. 1
Proposed Zoning: Special Exception for Class B Office Building

Acres: 0.303
District: 3rd

Dear Mr. Jablon:

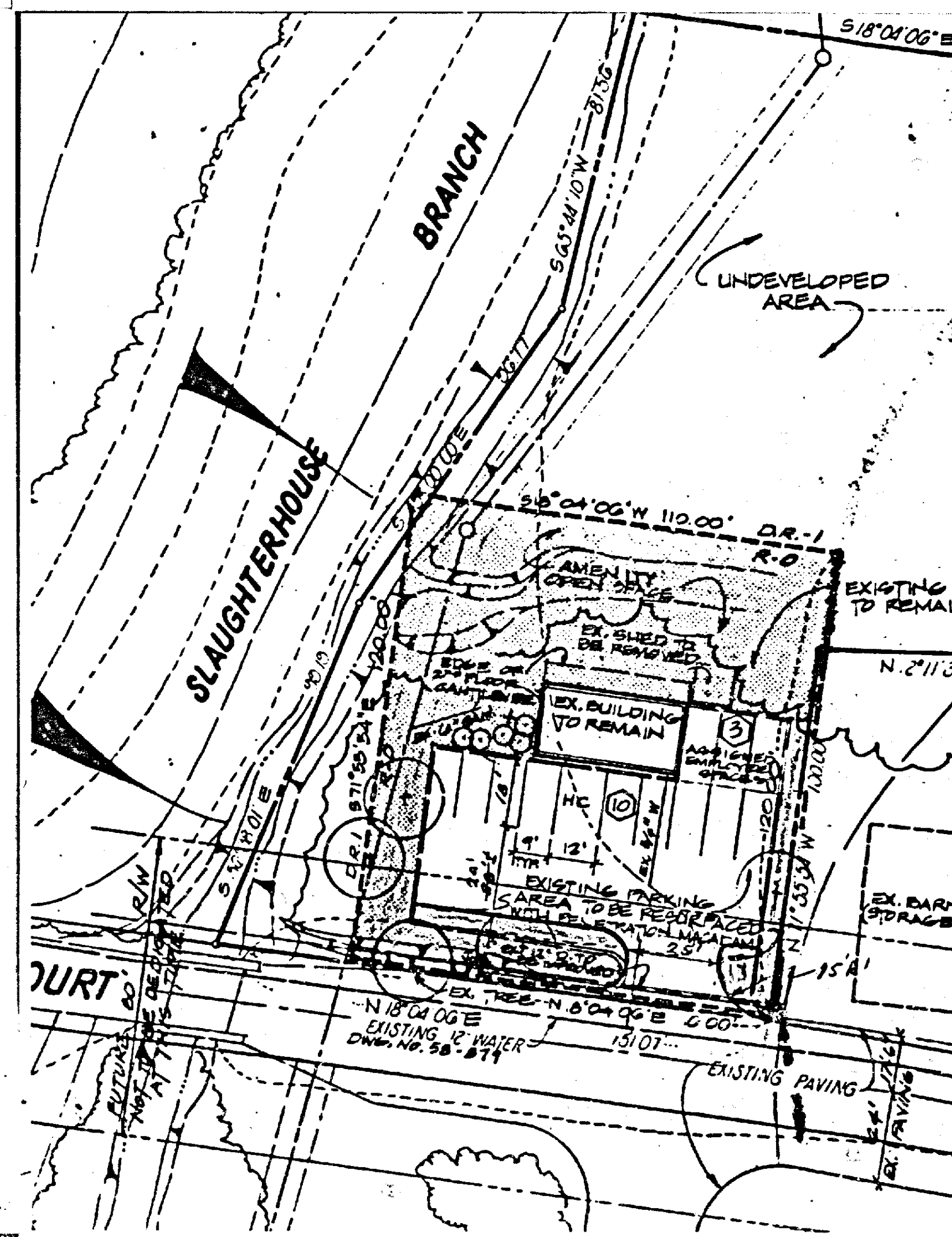
This Department has reviewed the site plan and has the following comments.

1. The plan should conform to the C.R.G. comments.
2. The driveway servicing the parking should be reduced to 24' in order to increase the turning radius for vehicles exiting the site and going westbound.
3. The entrance to the site should be reduced to 25' and the radius should be increased to 15 feet.
4. Please see attachments.

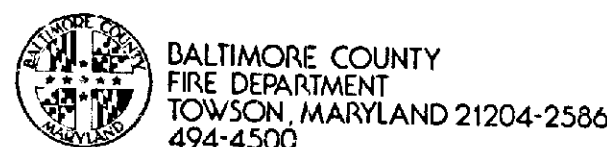
MSF:com

Att.

Michael S. Flanigan
Traffic Engineering Assoc. II



JAN 29 1985



PAUL H. REINCKE
CHIEF

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

November 23, 1984

Attention: Nick Commodori, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Robert W. Johnson, III

Location: NW/8 Old Court Road 438' S/W from c/1 Falls Road

Item No.: 124 Zoning Agenda Meeting of 11/13/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

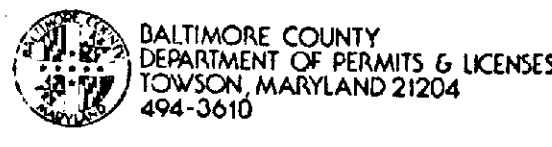
(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *George M. Hegardt*
Noted and Approved: _____
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



TED ZALEWSKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #124, Zoning Advisory Committee Meeting are as follows:

Property Owner: Robert W. Johnson, III
Location: NW/8 Old Court Road 438' S/W from c/1 Falls Road
Existing Zoning: R.O. & D.R. 1
Proposed Zoning: Special exception for Class B Office Building

Acres: 0.303
District: 3rd

The items checked below are applicable:

(X) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Building and Code, and other applicable Codes.

(X) A building / & other / permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

(X) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use groups of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code, Section 4.

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

(X) Comments - As this project is in a flood plain construction shall be limited as per code. A registered engineer shall provide sufficient evidence to show the existing structure can support an additional floor. See Section 519.0 of Bill 4-82 and Section 108 of the 1981 B.O.C.A. Code.

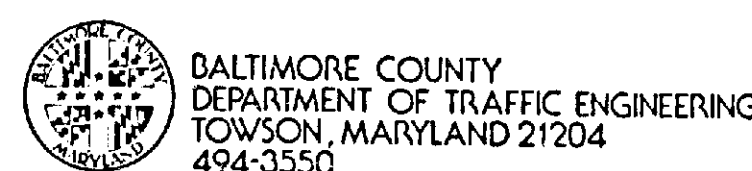
NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burman
Charles E. Burman, Chief
Plans Review

CEB::

November 20, 1984



STEPHEN E. COLLINS
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 124 -ZAC- 11/13/84
Property Owner: Johnson
Location: Old Court Rd.
Existing Zoning:
Proposed Zoning:

Acres: 0.303
District: 3

Dear Mr. Jablon: Revised Comments

The entrance, sight distance, and grading and paving on the inside of the curve on Old Court Rd. is subject to the approval of the SHA. All other elements of the plan are satisfactory.

Tom Jones

COUNTY REVIEW GROUP MEETING MINUTES Wednesday, September 19, 1984

BROOKLANDVILLE POST OFFICE District 3 C2

COUNTY REVIEW GROUP - THOSE PRESENT*

Catherine Warfield, Chairman - Dept. of Public Works
Eugene A. Bober, Co-Chairman - Office of Planning

Agency Representatives

Don Schuler - Bureau of Public Services
Peggy Long - Health Dept.
Greg Jones - Traffic Engineering
George Wittman - State Highway Administration
Diana Itter - Office Zoning

Developer and/or Representatives

Fred Walker - Daft-McCune-Walker, Inc.
Ed Halle - Daft-McCune-Walker, Inc.
Stacey Fisher - Daft-McCune-Walker, Inc.

*Attachment - List of Interested Citizens

The meeting was convened at 11:40 a.m. by Mrs. Warfield who also introduced the staff and explained the purpose of the meeting.

Ms. Fisher presented the plan and explained that the proposal is for a second floor addition only, and no additional construction is planned on the site. It is acknowledged that the building is in the existing flood plain. The existing paved parking lot is in disrepair and will be resurfaced, but no new impervious area is planned.

Mr. Bober summarized the staff comments submitted from Fire Prevention, State Highway Administration, Developers Engineering Division, Health, Planning, Zoning, Traffic Engineering and Building Plans Review. A copy of these comments was given to the developer and developer's engineer and have also been made a part of these minutes.

Several of the citizens who attended (Ms. O'Donovan, Ms. O'Mansky, Ms. Goodrich and Mr. Paul) all commented with praise for the work Mr. Azola has done on the existing Rockland buildings, but each expressed strong concerns for allowing the proposal at hand in view of the building being situated in the existing flood plain. They requested conformance to Section 22-98 referred to in the Planning comments which prohibits construction in or alteration of any flood plain.

BROOKLANDVILLE POST OFFICE

-2-

September 19, 1984

Mr. Azola advised that he plans to raise the first floor to an elevation above the worst known flood condition. This is possible because the ceiling heights are 12 feet inside the building.

The developer's engineer presented a letter from Mr. John Reisinger, Buildings Engineer, to G. W. Stephens, Jr. & Associates, Inc., dated May 6, 1983 which states that Council Bill 4-82 allows construction of vertical additions in a flood plain provided they are at least 1 foot above flood elevation and are supported by existing construction which is structurally adequate. This letter is made a part of these minutes.

The Committee acknowledges that Section 22-98 must be satisfied but that the law passed by Council permits the proposal presented. The Planning Office will process a waiver to Section 22-98 through the Planning Board which will rule on the matter. Mr. Schuler, the County Project Engineer, stated the proposed addition would have no effect on the existing flood plain.

It was the decision of the Committee to approve the plan subject to a favorable opinion from the County Solicitor's Office on waiver of Section 22-98. The plan will be invalidated if the County Attorney rules the proposal is not in conformance with the intent of the regulation.

The meeting was adjourned at 12:30 p.m.

CRW

C. R. G. MEETING AGENDA

1. Convene Meeting
2. Introductory statement concerning aims and goals of development regulations
3. Introduction of County representatives
4. Presentation of Plan by developer's representative
5. Comments of County agencies
6. Citizens' comments or questions
7. Developer's response
8. County Review Group decision
9. Adjourn meeting

SIGN IN

Name	Address
Elaine O'Malley	2. Safety Court 21205
Michael Paul	014 Court Rd 21022
Helene Ardwick	7909 Spring 21208
Paul O'Donovan	600 Greenwood Rd 21204
Marty Azola	10122 Falls Rd. 21022
MING RUI	TOWSON TOWERS
FRANK MARTIN	2805 GREENVIEW RD 21204
	346-1571

BROOKLANDVILLE POST OFFICE September 19, 1984 11:30 a.m.

SUPPLEMENTARY MINUTES

COUNTY REVIEW GROUP MEETING September 19, 1984

BROOKLANDVILLE POST OFFICE District 3 C2

In the original minutes for this project, an item of importance was omitted. The developer must sign an agreement with Baltimore County which holds the County harmless for any damages incurred to the proposed addition requested in the flood plain.

This supplementary comment shall be made a part of the minutes furnished for the County Review Group meeting on September 19, 1984.

CRW

BALTIMORE COUNTY, MARYLAND

File

DATE: September 11, 1984

SUBJECT: SUBDIVISION REVIEW COMMENTS
FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU
Captain Joseph Kelly

PROJECT NAME	Brooklandville Post Office	PRELIMINARY PLAN
PROJECT NUMBER	CRG Agenda 9/19/84, 11:40 am	TENTATIVE PLAN
LOCATION	N/S Old Court Road	DEVELOPMENT PLAN
DISTRICT	3	FINAL PLAN

Comments

1. Proposed buildings shall be designed and constructed so as to meet the applicable provisions of the Fire Prevention Code and the NFPA 101 Life Safety Code, 1981 Edition.



Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

September 10, 1984

Mr. Gilbert S. Benson, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: CRG Meeting of 9-19-84
"Brooklandville Post Office"
Office" N/S Old Court Rd.
Route 133 West of Falls Rd

Dear Mr. Benson:

On review of the submittal of August 28, 1984 and field inspection, the State Highway Administration will require the plan to be revised.

The revised plan must show the following:

1. Reconstruction of the existing radius return entrance to 35'± in width.
2. State Highway Administration Type "A" concrete curb and gutter reconstruction established along the existing 17.5' alignment for the north side of Old Court Road.
3. Roadside curb construction south of the entrance must be 60'± in length with a S.H.A. standard curb opening and Rip Rap to allow runoff of Old Court Road to Slaughterhouse Branch.
4. Bituminous paving must be reconstructed or overlaid along the proposed State Highway Administration concrete curb and gutter construction with adequate taper to the east at the existing barn frontage.

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 363-0451 D.C. Metro - 1-800-422-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

Mr. G. Benson -2- September 10, 1984

5. Every effort should be made to save the existing tree south of the entrance, with the reconstruction of S.H.A. guardrail to protect the tree and the motoring public.

All work within the State Highway Administration right of way must be through S.H.A. permit with the posting of a bond or letter of credit in the amount of \$5,000.00 to guarantee construction.

It is requested the plan be revised to show the above improvements in detail prior to approval by Baltimore County for building permit.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle
Daft, McCune & Walker

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: September 18, 1984
FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

PROJECT NAME: Brooklandville Post Office
PROJECT NUMBER: #84208
LOCATION: N/S Old Court Road,
W. of Falls Road
DISTRICT: 3C2

The Plan, dated August 28, 1984 and revised September 12, 1984, has been reviewed by the Developers Engineering Division and is satisfactory pending conformance with the following comments:

GENERAL COMMENTS:

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his site. Occupancy Permits will be withheld until such damages have been corrected.

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

A sediment control plan is required.

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

Project #84208
Brooklandville Post Office
Page 2
September 18, 1984

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS: (Cont'd)

No storm water management is required.

In accordance with Bill No. 56-82, filling within a flood plain is prohibited.

WATER AND SANITARY SEWER COMMENTS:

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

If the Developer increases the plumbing facilities to the equivalent of a dwelling unit or more, the System Connection Charges will apply. The amount to be determined and payable upon application for the Plumbing Permit.

EDWARD A. McDONOUGH, P.E., Chief
Developers Engineering Division

EAM:DRS:iss

cc: file

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS
BALTIMORE COUNTY DEPARTMENT OF HEALTH

Brooklandville Post Office

Subdivision Name, Section and/or Plat

Developer and/or Engineer: Daft, McCune, Walker, Inc.

Watershed: Slaughterhouse Branch
No. of Lots: 1
Total Acreage: 1
Water: Public
Sewer: Public

COMMENTS ARE AS FOLLOWS:

- Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 494-2762.
- Soil percolation test have been conducted. Revised plans, must be submitted prior to approval of plat, are not required and the plat can be approved as submitted. Contact this office for more complete information, 494-2762.
- Public sewers, public water, must be utilized and/or extended to serve the property.
- A Hydrogeological Study and Environmental Effects Report for this subdivision, must be submitted, is not required, is incomplete and must be revised, has/have been reviewed and approved.
- A Water Appropriation Permit Application, must be submitted, has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.
- It is recommended the plan, be approved as submitted, be approved as submitted subject to the following conditions noted: memo dated September 17, 1984.
- It is recommended this plan not be approved at this time. See revisions and/or comments.

REVISIONS AND/OR COMMENTS:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Brooks Stafford, Director
TO: Environmental Support Services Date: September 17, 1984

FROM: Margaret A. Long, Margaret A. Long

Waste and Water Quality Management

SUBJECT: ENVIRONMENTAL EFFECTS REPORT Brooklandville Post Office

CRG MEETING September 19, 1984 11:30 a.m.
(Date) (Time)

PLAN REVIEW NOTES

1. A one-story commercial (office) structure and associated parking exist, to be further developed by addition of a second story, on 1.0 acre.
2. Public water and public sewer is proposed.
3. Slaughterhouse Branch crosses an undeveloped corner of the site; this stream drains into Slaughterhouse Branch, Jones Falls.
4. Alluvial land (A) and Coterus (C) soils are present (Describe wetland soils on-site)
5. Storm Water Management is not required.
6. 0.15 ac. (15%) proposed impervious area. (No increase.)

RESPONSES

The Environmental Effects Report is not approved. In order to receive approval, the following checked items/conditions must be met.

The Environmental Effects report is approved, subject to the following checked items/conditions.

- A. No development is allowed in (soil/name & symbol)
- B. A revised site plan indicating no development in must be submitted.

Mr. Brooks Stafford
Environmental Effects Report Brooklandville Post Office
(Name)

Page Two

1. The developer must follow the Health Department Wetland Guidelines.
2. No grading or increase of impervious area to occur in Alluvial (A) or Coterus (C) soils.

C. BEST MANAGEMENT PRACTICES

1. All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such condition.
2. Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly.
3. Snow removal will be by mechanical means except in severe snow and ice conditions, when deicing compounds may be used.
4. Application of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service.
5. Filling will not occur in grassed or lined drainage ditches or swales.
- 6.

MAL:pm5

DEPARTMENT OF TRAFFIC ENGINEERING
BALTIMORE COUNTY, MARYLAND

TO: Mr. Robert A. Morton DATE: 9/18/84

FROM: C. Richard Moore

SUBJECT: C.R.G. COMMENTS

PROJECT NAME: Brooklandville Post Office C.R.G. PLAN: X

PROJECT NUMBER & DISTRICT: 3 C 2 DEVELOPMENT PLAN:

LOCATION: Old Court Road w. of Falls Road RECORD PLAT:

The entrance and the grading and clearing on the inside of the curve of Old Court Road is subject to the approval of the State Highway Administration.

It is recommended that the parking lot in front of the Post Office only be 42 ft. deep. This would require the elimination of approximately 4 ft. of paving.

Parking spaces should not be blocked by other spaces.

C. Richard Moore
Assistant Traffic Engineer/Planning & Design

CRG/GU/bza

BALTIMORE COUNTY, MARYLAND
SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING
DATE: September 19, 1984
PROJECT NAME: Brooklandville Post Office
PLAN: XXXXXXXXXXXXXXXX
COUNCIL & ELECTION DISTRICT: III-266
PLAN EXTENSION
REVISED PLAN
PLAT

The Office of Planning and Zoning has reviewed the subject plan dated August 30, 1984, and has the following comments:

Section 22-104 of the Development Regulations requires that development of property in an R-O zone shall be designed to achieve four objectives. They are 1) Compatibility of the proposed development with surrounding uses; 2) Tree preservation; 3) Protection of water-courses and bodies of water from erosion and siltation; and 4) Safety, convenience and amenity for the neighborhoods. In addition, Section 22-98 prohibits construction in or alteration of any floodplain. It is the purpose of this section to reduce losses to life and property from flooding, to obviate the need for public expenditures for flood protection, and to protect or enhance the environmental quality of watersheds.

The CRG plan must demonstrate that the proposed development satisfies the above requirements particularly objective number 3 and floodplain and wetland protection standards set forth in Section 22-98. The plan must detail the limits of construction and disturbance. The existing conditions as well as proposed resurfacing material for the parking lot must be shown. Additional information and documentation on recent flooding in this area and on this site is required.

Since this site is located entirely within the 100 year floodplain this office is not clear as to whether the proposed development meets the provisions and intent of Section 22-98. Therefore this office will request a legal opinion from the Office of Law on this issue.

The calculations for the planting requirements are not correct. The requirement is: 1 tree per 40 linear feet of road frontage (4 trees) in addition to 1 tree per 12 parking spaces (2 trees). A total of 6 trees are required along the road frontage with plantings to screen the parking. Note #13 indicates a modification of specific manual standards will be requested. This request must be clarified and further detailed with sufficient explanation and justification for evaluation by this office.

The amenity open space areas must be clearly shown on the plan.

An elevation drawing which shows the proposed building renovation from all four sides should be submitted for review. The description in note #7 could be expanded if architectural plans have not been finalized at this time.

Susan Carrell
Susan Carrell

BALTIMORE COUNTY, MARYLAND
SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING
DATE: Sept. 18, 1984
PROJECT NAME: Brooklandville Post Office
PLAN: September 19, 1984
LOCATION: N/S Old Court Road
DEVELOPMENT PLAN:
DISTRICT: 3rd Election District
PLAT:

- The following comments were written on the CRG plan dated 8/30/84.
- Due to the 2nd story addition to the building for office use, a Special Exception hearing for a Class B office building is required. No such petition has been filed as of the date of the writing of these comments. If CRG approval occurs, it would be contingent upon the outcome of the zoning hearing.
- Several revisions are required on the plan prior to CRG approval.
 - The gross site area for the R.O. zoned portion of the site must agree with the amended site plan of December 14, 1982, which permitted a reclassification of approximately .3 acres. Gross appears to be approximately .306 acres.
 - The floor area ratio for the site should be adjusted so that it is the gross area of the site which is zoned R.O. divided by the adjusted gross floor area of the building.
 - Similarly, the amenity open space required should be adjusted so it is 25% of the gross site area zoned R.O. The location of all amenity open space must be clearly designated on the plan. None of the area in the D.R. 1 zone may be used to meet the minimum a.o.s. requirements.
- Note 7 must be modified in terms of signage allowed. An 8 sq. ft. non-illuminated sign is permitted which must be on the building wall as per Section 203.2C of the B.C.Z.R.
- Elevation drawings are normally provided for Class B office buildings for CRG processing in order to assist both the CRG and Zoning Commissioner in their review. What has been provided is sketchy at best; more detailed drawings of all facades are desirable. More detailed information on the proposed construction at the very least is needed.
- The parking layout is acceptable, provided the Court Court Road widening is not taken at this time. The type of paving for the parking lot must be noted on the plan.

DIANA TETER
Zoning Associate III

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Catherine Warfield, C. R. G. Date: September 5, 1984
FROM: C. E. Burnham, Chief, Building Plans Review
SUBJECT: Brooklandville Post Office
N/S Old Court Road W. of Falls Road, District 3 C2

- This proposed addition appears to be in a Riverine Flood Plain. Section 519.2 in Council Bill 4-82 may be applicable.
- The current Baltimore County Building Code consists of the 1981 B.O.C.A. Basic Building Code, the 1981 B.O.C.A. Mechanical Code and the 1981 B.O.C.A. Energy Code as adopted and amended by Bill 4-82. We also enforce the Maryland State Code for the Handicapped for the State. The Plumbing Code is the 1973 Baltimore County Plumbing and Gas Fitting Code. The Electrical Code is the current edition of the National Electric Code.

CEB/vw

RECEIVED
SEP 19 1984
BUREAU OF PUBLIC SERVICES

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: January 3, 1985
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
Zoning Petition No. 85-185-X
SUBJECT: Robert W. Johnson, III

The plan, subject to submittal and approval of a final plan for landscaping, was approved by the CRG on September 19, 1984.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JCH/af

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Malcolm F. Spicer, Jr. Date: 18 February 1985
FROM: Arnold Jablon
SUBJECT: Case No. 85-185 X

I attach hereto a copy of a letter from People's Counsel to Gail M. Stern, Esq., counsel for the Petitioner in the above captioned matter. I had granted a special exception in this case, and as you can read, it has been appealed by People's Counsel for the reasons stated therein. If these are the reasons for the appeal, I believe that once again People's Counsel has exceeded its recognized statutory authority. Therefore, I am requesting that I be represented at the hearing before the Board of Appeals. Since this letter has no legal standing, there is nothing that I can do in terms of filing a motion to dismiss. However, if these issues come before the Board, I feel that such a motion should be made at that time.



Phyllis Cole Friedman
People's Counsel

Gail M. Stern, Esquire
Frank, Bernstein, Conaway & Goldman
300 East Lombard Street
Baltimore, Maryland 21202

RE: Robert W. Johnson, III, Petitioner
85-185-X Petition for Special
Exception for the Brooklandville
Post Office.

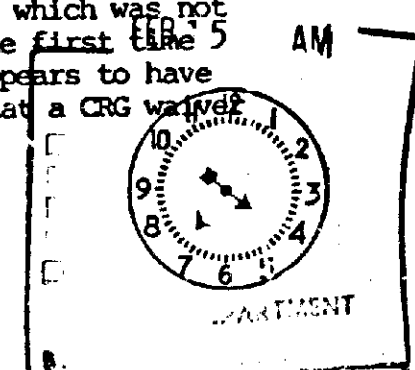
Dear Gail:

Thank you for your letter dated January 25, 1985. I have reviewed the opinion of the County Office of Law, which pertains to the availability of a waiver from County Review Group (CRG) requirements pursuant to Title 22 of the Baltimore County Code.

As you know, we did not file an appeal from the CRG approval or the Title 22 waiver. We have found it necessary, however, to file an appeal from the Zoning Commissioner's approval of a special exception for the following independent reasons:

- The Baltimore County enactment of the BOCA Code, Sections 519.1 and 519.2 (enclosed) detail specifications for construction or additions in the floodplain, and these specifications were not addressed in the Zoning Commissioner's Order or the CRG approval. We have reviewed the Zoning Commissioner's Order with appropriate representatives of the Department of Public Works and Permits and believe it necessary to clarify the application of the BOCA Code to this project. This is necessary not only because of the BOCA requirements themselves, but also strict County enforcement is necessary to maintain County qualification under the Federal Flood Insurance Program.

- The Zoning Commissioner has approved a porch, which was not approved by the CRG. The porch, regardless of size, for the first time involves a change in the "footprint" of the building and appears to have a different type of effect on the floodplain. We doubt that a CRG waiver would have been approved for the porch.



FRANK, BERNSTEIN, CONAWAY & GOLDMAN

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
TELEPHONE: (301) 845-1800
CABLE: FRASBO
TELETYPE: 87030
SUITE 910
AMERICAN CITY BUILDING
COLUMBIA, MARYLAND 21046

July 15, 1985

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Room 223 - Court House
Towson, Maryland 21204

Re: Robert W. Johnson, III, Petitioner
Zoning Case No. 85-185-X

Dear Mrs. Friedman:

I have reviewed the proposed Order prepared in connection with the above-captioned matter, which was sent to me by Shirley M. Hess for review. The Order is acceptable to us with one exception. Paragraph 3 of the Order was not agreed to by us at the hearing, and is not acceptable.

that:

The original Order signed by Mr. Arnold Jablon provided

"Any subsequent modification of the site plan submitted herein and identified as Petitioner's Exhibit 1 may be permitted without a subsequent hearing if such modification is not a material change."

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

Phyllis Cole Friedman, Esquire
July 15, 1985
Page Two

It is our understanding that the statement is a statement of current County policy. It is the policy of the County that a new hearing does not need to be held if non-substantive, non-material changes are made to the site plan. Paragraph 3 of the proposed Order would require us to go to the County Board of Appeals for any amendments whatsoever. This is even more cumbersome than having to go before the Zoning Commissioner of Baltimore County as, I believe you are aware, it can take more than a month or two to obtain a hearing before the County Board of Appeals.

It is my understanding that often minor, non-substantive changes are made to site plans as development and construction progress. To require a developer to go back to the Zoning Commissioner or the County Board of Appeals every time a minor change needs to be made would unduly burden the developer and delay construction.

We would be willing to have the Order provide that any changes to the porch, or any material changes to the site plan must be subject to a hearing before the Zoning Commissioner of Baltimore County.

Other than this one matter, the Order is fine. After you have had an opportunity to review this letter, please call me at your convenience so that we can discuss same. Hopefully, we will be able to agree on language quickly and submit the Order for signature to the County Board of Appeals.

Many thanks for your assistance in this matter.

Very truly yours,

Gail M. Stern

GMS/ldd
cc: Mr. Arnold Jablon
Mr. Martin P. Azola
Mr. Edmund F. Haile

Gail M. Stern, Esquire
Frank, Bernstein, Conway & Goldman

January 28, 1985

We would be happy to meet with you to discuss and address these questions. However, we do not believe it is practical to finalize their resolution prior to the appeal deadline. Therefore, following our discussion of January 25, 1985, and after further review and consideration, we are filing the appeal.

In any event, assuming that the above problems can be resolved to the satisfaction of all parties, I believe that we may avoid protracted or undue burdensome litigation and that the matter could be handled at the County Board of Appeals in an expedient manner.

Very truly yours,

Peter Max Zimmerman
Deputy People's Counsel

Enclosures

cc: Norman E. Gerber
James A. Markle
John R. Reisinger
Eugene A. Rober

PMZ:sh

RE: PETITION FOR SPECIAL EXCEPTION BEFORE THE COUNTY BOARD OF APPEALS
NW/8 Old Court Rd., 438' SW of
Centerline of Falls Rd.,
3rd District OF BALTIMORE COUNTY

ROBERT W. JOHNSON, III, Case No. 85-185-X
Petitioner

ORDER

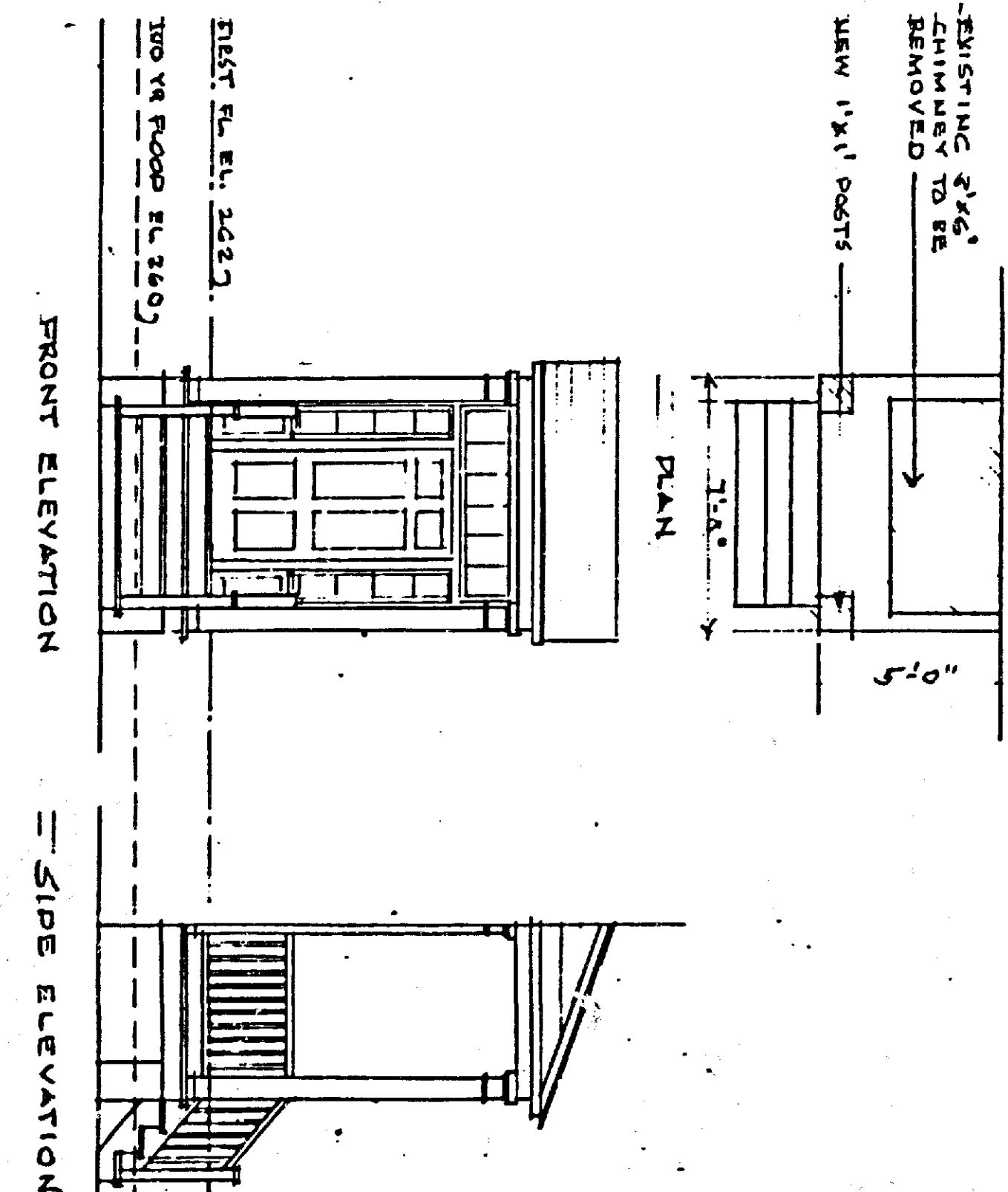
Upon review of statements by counsel and the submission of a revised site plan, Brooklandville Post Office, plat to accompany special exception, dated April 23, 1985, and identified as Petitioner's Exhibit 1, it is, this _____ day of _____, 1985, by the County Board of Appeals of Baltimore County, ORDERED,

That the petition for special exception for a Class B office building in an R-O zone be and the same is hereby GRANTED, subject to the following restrictions:

1. The special exception shall comply with the revised site plan dated April 23, 1985, designated as Petitioner's Exhibit 1.
2. A covered entranceway and stairway not exceeding 35 square feet in horizontal area, as described in the attached plan designated as Petitioner's Exhibit 2, is permitted, subject to final approval of the Departments of Permits and Licenses and Public Works and the Office of Planning and Zoning.
3. Any amendment to the approved plans shall be subject to further approval of the County Board of Appeals following notice and opportunity to be heard for all parties.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



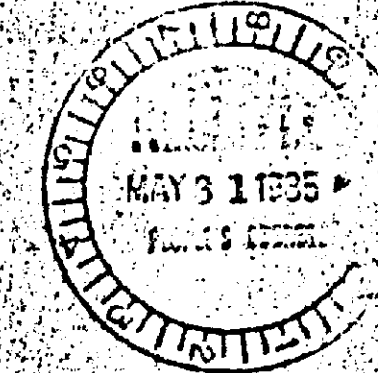
DAFT-MCUNE-WALKER, INC.

200 East Pennsylvania Avenue
Towson, Maryland 21204

Telephone: 301-296-3333

Land Planning Consultants
Landscape Architects
Engineers & Surveyors

May 29, 1985



Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Court House
Towson, MD 21204

Re: Brooklandville Post Office
Job Order No. 84105
Zoning Case No. 85-185-X

Dear Phyllis:

I am enclosing a plan showing the proposed entranceway to the Brooklandville Post Office as requested in your letter to Gail Stern dated May 15, 1985.

This porch occupies less area within the flood plain than the existing chimney which is to be removed. In my professional opinion, it will have no effect whatsoever on the elevation of the hundred year flood. In addition, there was some concern relative to the collection of floating material around the extension. Since it is on the downstream side of the existing building, I do not feel that this is a threat.

Very truly yours,

DAFT-MCUNE-WALKER, INC.

Edmund F. Halle
Partner

Enclosure

cc: Mr. Martin P. Azola
Gail M. Stern, Esquire

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202

TELEPHONE: (301) 826-3900
CABLE: FRABRO
TELEX: 87838

SUITE 812
AMERICAN CITY BUILDING
COLUMBIA, MARYLAND 21046

WRITER'S DIRECT NUMBER IS
(301) 625-3647

August 2, 1985

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Room 223 - Court House
Towson, Maryland 21204

Peter Max Zimmerman, Esquire
Deputy People's Counsel for
Baltimore County
Room 223 - Court House
Towson, Maryland 21204

Re: Robert W. Johnson, III, Petitioner
Zoning Case No. 85-185-X

Dear Phyllis & Pete:

The last time that I spoke with Phyllis, I thought that we had reached an agreement on Paragraph 3 of the proposed Order that was acceptable to both of us. It would have been acceptable to me if Paragraph 3 had provided that any amendment to the approved plans shall be subject to further approval, and a notice and hearing if applicable, in accordance with current County policy. I believe that this language does nothing more than state that any changes would have to be approved in the same manner as any other change to any other plan in any other case would be approved. That would be satisfactory to me in that we are not looking for any preferential treatment and I thought that it was satisfactory to you in that we would be subject to all current County policies regarding changes.

Subsequently, I received a telephone call from Pete, in which he advised me that the language was not acceptable to him. Pete stated that the only change that he was willing to make in his Order was to change the County Board of Appeals to the Zoning Commissioner.

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
August 2, 1985
Page Two

In a final attempt to compromise this matter, so as to avoid the need for a further hearing, and attendant delays, we would be willing to have Paragraph 3 of the Order provide that any amendment to the approved plans shall be subject to further approval of the Zoning Commissioner. Currently, Paragraph 3 of the proposed Order provides that all amendments shall be subject to the approval of the County Board of Appeals following notice and opportunity to be heard for all parties.

In that you are insisting that every change, no matter how minor nor insignificant be reviewed by the Zoning Commissioner, at the very least, we would need it to be clear that the Zoning Commissioner could, in his discretion, hold or not hold a hearing. If every minor and insignificant change had to be the subject of a hearing following notice, the project would obviously grind to a standstill every time a change was required.

You have on a number of occasions stated that no changes should be necessary as my client should know by this time what he intends to do with the property. First, the original site plan was prepared over a year ago. Obviously, a number of things have changed since such time. In fact, the Zoning Commissioner's Order was issued in January, 1985, over six months ago. In addition, my client's plans for the design of the building are not yet final as the architect was put on hold some time ago because of the numerous delays in this project. In fact, it appears that our designs for the plans for the building will have to be changed in order to accommodate the porch of a size and in the location that you requested. The original site plan shows that a portion of the back of the building is cantilevered. In order to accommodate the porch, it may be necessary to cantilever a small portion of the front of the building. Also, as I mentioned to you, it may be necessary to stripe the parking lot in a different manner.

Although we do not think that it is necessary, nor in accordance with County policy, that the Zoning Commissioner be consulted on every amendment to a plan, no matter how minor, we would be willing to accept this as a compromise, so long as a notice and hearing was not required for every change. We hope that you can accept this compromise in the spirit in which it is offered. Our only goal at this time is to resolve this matter as quickly as possible so that construction can commence.

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
August 2, 1985
Page Three

We believe that it would be detrimental to all parties' interest, at this time, to have to have another hearing before the Board of Appeals. As I mentioned to you earlier, I wish that I had known prior to the last Board of Appeals hearing that this was a concern that you had, so that it could have been properly addressed at the hearing. As I am sure you both recall, the first time that this issue was brought to our attention was at the hearing.

I look forward to your response to this letter and truly hope that this matter can be finally resolved.

Very truly yours,

Gail M. Stern

GMS/lld

cc: Mr. Arnold Jablon
Mr. Edmund F. Halle
Mr. Martin P. Azola